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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,471	01/21/2004	Jan Andreas Roman	13768.1065	2028
47973 7590 06/11/2008 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111				
EXAMINER				
AHMED, MASUD				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,471

Applicant(s)

ROMAN, JAN ANDREAS

Examiner

MASUD AHMED

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 1/21/2004

DETAILED ACTION

Claims 1-36 are pending on this application. Examiner has considered the IDS submitted by the applicant on 01/24/2004.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Alien versus Predator" hereon "AVP" dated 2001.

Regarding claim 1, AVP teaches multiplayer video game having following limitations:

Computer identified players in plurality of team and the players correspond to graphical depiction on the virtual game environment (AVP page 11-20, page 11 shows the depiction of the players);

During the game play player of the first team tries to catch the player of the second team are depicted on the game environment (AVP page 55 para 6);

When player of the first team catches the player of the second team, the player of the second team becomes the player of the first team (AVP page 55 para 6);

Ending game when a predetermined event occurs (AVP page 55 para 6), where mutant's and survivors score based on either time or kills. However AVP does not disclose the game to be an automobile driving simulation. A game based on

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the same idea simulated in a gaming environment having a different theme merely an engineering design choice, therefore it would have been obvious to ordinary skilled artisan at the time of invention to apply AVP's game idea to alternative game theme to give players alternative player excitement.

See MPEP 2144.04

Regarding claims 2-5, AVP teaches the graphical depiction of the players whether you are a predator or the prey (AVP page 55 para 6), and either the mutant or the survivor can be considered to be the first or the second team; a graphical depiction of a police car is merely an engineering design choice as opposed to AVP's depiction of alien or predator or mutant.

Regarding claims 6-11, AVP discloses many different ways of scoring for the game such as either time determined or based on the number of kills (AVP page 55), in this case survivor being team two and lasting the predetermined time can be a winner. AVP further discloses the game is either single or multiplayer mode and many character are computer controlled; upon occurrence of the predetermined criteria the player on the first team changes to be the players of the second team (AVP page 55 survivor); AVP discloses different graphical depiction of predator's option and choices along with the vision of where the prey location are an alternative to directional arrow of player's location and the map data (AVP page 38-51).

Regarding claims 12-18, AVP's disclosure shows the many predetermined criteria for the game winning score such as time and kills (AVP page 55 para 6); AVP's players are all identified prior to the starting of the game, also players

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scores are displayed along with the player status and location using various graphical depiction (AVP page 36-37), which are alternatives to displaying the changes in player attributes and the players status in the team along with the duration of the time players were in the team.

Remaining claims 19-36 are rejected at least for the same reference cited by the examiner above.

Below is a paragraph from the internet archive cited on form 892 (reference form) is an old British bulldog tag game having limitations which seem to be claimed by the applicant.

British Bulldogs Tag Game

Use a large pitch or hall for this game, to allow players plenty of room for manoeuvrability. Home is defined as being either end of the pitch/playing area. At the start all players stand at one end with one or two chosen as Bulldogs (the catchers) who stand in the middle. On the call "British Bulldogs 1, 2, 3" by the catchers, all players have to get the other side without being caught. This can either be by 'tagging' (simple touch) or in the more boisterous version catchers have to catch and hold onto players for the count of three in order for players to be caught. Anybody who is tagged becomes a Bulldog as well. The first two caught or last two caught in each game become the Bulldogs for the next one.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-1315. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm, Alt Fri, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571 272 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

/M. A./
Examiner, Art Unit 3714